

JOURNAL OF THE HOUSE

First Extraordinary Session, 93rd GENERAL ASSEMBLY

FIRST DAY, TUESDAY, SEPTEMBER 6, 2005

Speaker Jetton in the Chair.

There was a moment of silent prayer for the victims of Hurricane Katrina.

The Pledge of Allegiance to the flag was recited.

MESSAGE FROM THE GOVERNOR

PROCLAMATION

WHEREAS, Section 188.010, RSMo, provides that it is the intention of the general assembly of the State of Missouri to grant the right to life of all humans, born and unborn, and to regulate abortion to the full extent permitted by the Constitution of the United States, decisions of the United States Supreme Court, and federal statutes; and

WHEREAS, during the First Regular Session of the Ninety-Third General Assembly, the General Assembly considered Senate Bill No. 2 and House Bill No. 100, relating to abortion and abortion-related services; and

WHEREAS, the proposed legislation sought to address several concerns, including (1) amending section 188.080, RSMo, to provide that any physician who does not have clinical privileges at a hospital which offers obstetrical or gynecological care located within 30 miles of the location at which the abortion is performed or induced is guilty of a crime; (2) adding a new section to chapter 188, RSMo defining “next friend”; and (3) adding a new section to chapter 188, RSMo to prohibit a person from intentionally causing, aiding, or assisting a minor to obtain an abortion without consent from a parent or a judicial decree, and any person who is subject to the jurisdiction of the State of Missouri and violates this provision will be civilly liable to persons adversely affected by the action; and

WHEREAS, the failure to enact the above-referenced provisions constitutes an immediate danger to the public health, safety and welfare; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution authorizes the Governor to “On extraordinary occasions . . . convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary; and

WHEREAS, the immediate danger to the public health, safety and welfare due to the failure to enact the above-referenced provisions is an extraordinary occasion as envisioned by Article IV, Section 9 of the Missouri Constitution; and

WHEREAS, it has come to my attention that additional extraordinary matters need to be considered during this First Extra Session;

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Missouri Constitution, do, by this Proclamation, convene the Ninety-Third General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in their respective chambers in the State Capitol in the City of Jefferson at the hour of 12:00 p.m., Central Daylight Time, September 6, 2005; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specially designated and limited hereinafter as follows:

1. To amend section 188.080, RSMo to provide that any person who is not a physician who performs or induces an abortion or any physician who does not have clinical privileges at a hospital which offers obstetrical or gynecological care at a hospital located within 30 miles of the location at which the abortion is performed or induced is guilty of a crime.

2. To add a new section to chapter 188, RSMo to define “next friend.”

3. To add a new section to chapter 188, RSMo to prohibit a person from intentionally causing, aiding, or assisting a minor to obtain an abortion without consent from a parent or a judicial decree, and any person who is subject to the jurisdiction of the State of Missouri and violates this provision will be civilly liable to persons adversely affected by the action.

4. To allow the Senate to consider appointments to boards, commissions, departments and divisions that require the advice and consent of the Senate.

5. To amend Section 1 of Senate Bill 420, as enacted by the Ninety-Third General Assembly of the State of Missouri in the First Regular Session, specifically to delete subsections 1 and 4, and make other necessary changes to said section.

6. To repeal section 311.310.2 of House Bill 972 and Senate Bills 37 and 402, as enacted by the Ninety-Third General Assembly of the State of Missouri in the First Regular Session, and enact in lieu thereof a new section prohibiting adults from hosting “open house” parties or knowingly allowing under aged drinking.

7. To repeal section 565.024.3 of Senate Bill 37 and House Bill 972, as enacted by the Ninety-Third General Assembly of the State of Missouri in the First Regular Session, and enact in lieu thereof a new section specifying the blood alcohol content necessary for a violation of Missouri law and the proper classification of this offense.

8. To repeal section 565.024.4, of Senate Bill 37 and House Bill 972, as enacted by the Ninety-Third General Assembly of the State of Missouri in the First Regular Session, and enact in lieu thereof a new section that includes subdivisions (1), (2) and (3) of subsection 3 of this section in all references to “Involuntary manslaughter in the first degree”.

9. To repeal section 568.050.1(5), of Senate Bill 37 and House Bills 972 and 353, as enacted by the Ninety-Third General Assembly of the State of Missouri in the First Regular Session, and enact in lieu thereof a new section that clearly defines which crimes, if committed while operating a motor vehicle, will also constitute “endangering the welfare of a child” if a child less than seventeen years of age is present in the vehicle during the commission of those crimes.

10. To repeal section 577.023.1(1), of House Bill 972 and Senate Bill 37, as enacted by the Ninety-Third General Assembly of the State of Missouri in the First Regular Session, and enact in lieu thereof a new section that clearly defines the necessary elements for classification as an “aggravated offender” for crimes committed while under the influence of intoxicating substances.

11. To repeal section 577.023.1(2), of House Bill 972 and Senate Bill 37, as enacted by the Ninety-Third General Assembly of the State of Missouri in the First Regular Session, and enact in lieu thereof a new section that clearly defines the necessary elements for classification as a “chronic offender” for crimes committed while under the influence of intoxicating substances.

12. To repeal section 577.023.1(3), of House Bill 972 and Senate Bill 37, and 577.023.1(1), of House Bill 353 as enacted by the Ninety-Third General Assembly of the State of Missouri in the First Regular Session, and enact in lieu thereof a new section defining an “intoxication-related offense.”

13. To repeal section 577.625, of Senate Bill 254 and House Bill 353, as enacted by the Ninety-Third General Assembly of the State of Missouri in the First Regular Session, and enact in lieu thereof a new section prohibiting the unauthorized distribution of prescription medication on school property.

14. To repeal section 577.628, of Senate Bill 254 and House Bill 353, as enacted by the Ninety-Third General Assembly of the State of Missouri in the First Regular Session and enact in lieu thereof a new section prohibiting the unauthorized possession of prescription medication on school property.

15. To amend section 287.110.1, of Senate Bill 1, as enacted by the Ninety-Third General Assembly of the State of Missouri in the First Regular Session to delete the words, “and those addressed in section 287.120”.

16. To add an Emergency Clause to all legislation enacted by the Ninety-Third General Assembly of the State of Missouri in the First Extra Session of the First Regular Session.

17. To consider a Concurrent Resolution opposing an artificial “spring rise” of the Missouri River.

18. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 17th day of August, 2005.

/s/ Matt Blunt
Governor

ATTEST:

/s/ Robin Carnahan
Secretary of State

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 1, introduced by Representatives Cunningham (86), Phillips, Harris (110), Davis, Meiners, Sander, Moore, Chinn, Faith, Stefanick, Avery, Baker (123), Behnen, Bivins, Bruns, Cooper (158), Day, Dethrow, Dusenberg, Emery, Ervin, Franz, Hobbs, Hunter, Icet, Jackson, Kraus, Lager, Lembke, Munzlinger, Muschany, Nolte, Pollock, Quinn, Rupp, Sater, Schaaf, Schad, Self, Silvey, Smith (14), Stevenson, Sutherland, Tilley, Weter, Wood, Wright (159) and Jetton, relating to abortion regulations and services for minors.

HB 2, introduced by Representatives Lipke, Dusenberg, Jones, Flook, Jetton, Bruns and Parson, relating to crime.

HB 3, introduced by Representatives Pratt, Yates, Burnett and Jetton, relating to the posting of certain information on the Internet.

HB 4, introduced by Representatives Harris (110), Schoemehl, Henke, Burnett, Dougherty, Liese, Meiners, Walsh, Kuessner, Bringer, Casey, George, Meadows, Selby and Yaeger, relating to abortion regulations and services for minors.

HB 5, introduced by Representatives Portwood, Avery, Bivins, Bruns, Cooper (158), Davis, Dusenberg, Dethrow, Ervin, Harris (110), Lembke, Munzlinger, Muschany, Sander, Spreng, Tilley, Wildberger, Wood and Yates, relating to informed consent for abortion.

HB 6, introduced by Representatives Wright-Jones, Baker (25), Fraser, Hughes, Bowman, Donnelly, Johnson (47), LeVota and Storch, relating to reducing the number of abortions in the state.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has third read and passed **SR 1**.

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Ninety-third General Assembly, First Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the First Extra Session of the First Regular Session and is ready for consideration of its business.

The following members' presence was noted: Aull, Baker (25), Baker (123), Bearden, Brown (30), Brown (50), Bruns, Burnett, Cooper (120), Darrough, Day, Deeken, Denison, Ervin, George, Guest, Harris (23), Henke, Hoskins, Johnson (47), Kingery, Kratky, LeVota, Lipke, Low (39), Moore, Nieves, Parker, Phillips, Pollock, Pratt, Ruestman, Schad, Selby, Shoemyer, Smith (14), Stefanick, Viebrock, Villa, Wells and Whorton.

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Wednesday, September 7, 2005.

COMMITTEE MEETINGS

CHILDREN AND FAMILIES

Wednesday, September 7, 2005, 3:00 p.m. Hearing Room 7.
Executive session may follow.

JOINT COMMITTEE ON EDUCATION

Wednesday, September 7, 2005, 2:00 p.m. Senate Lounge.
Discussion of the integration of Pre-Kindergarten through Higher Education to meet the needs of Missouri's 21st century workforce.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, September 7, 2005, 3:00 p.m. Hearing Room 3.

Third quarter meeting.

JOINT COMMITTEE ON TAX POLICY

Wednesday, September 7, 2005, 8:00 a.m. Hearing Room 6.

Reassessment wrap up. Taxation history.

JOINT COMMITTEE ON TAX POLICY

Wednesday, September 7, 2005, Hearing Room 6 upon morning adjournment.

The committee will convene after the Senate has adjourned.

Reassessment wrap up. Taxation history.

JOINT COMMITTEE ON TERRORISM, BIOTERRORISM AND HOMELAND SECURITY

Wednesday, September 14, 2005, 9:00 a.m. Hearing Room 7.

Public testimony--enhancement of Homeland Security and prevention. AMENDED

JUDICIARY

Wednesday, September 7, 2005, 2:00 p.m. Hearing Room 7.

Executive session will follow.

LOCAL GOVERNMENT

Wednesday, September 7, 2005, 1:00 p.m. Hearing Room 1.

Meeting to discuss interim hearings on tax increment financing.

RULES

Thursday, September 8, 2005, 10:30 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 1, HB 2, HB 3

SPECIAL COMMITTEE ON GENERAL LAWS

Wednesday, September 7, 2005, 1:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HB 2

HOUSE CALENDAR

SECOND DAY, TUESDAY, SEPTEMBER 7, 2005

HOUSE BILLS FOR SECOND READING

HB 1 through HB 6